



U.S. Department of Justice
United States Attorney
Western District of New York

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PRESS RELEASE

October 27, 2005

RE: UNITED STATES v. KEVIN SMITH

Acting United States Attorney Kathleen M. Mehlretter announced today an 8-count Indictment, charging Kevin Smith, age 40, of Jamestown, with making false claims, in violation of Title 18, United States Code, Section 287 , each carrying a maximum penalty of 5 years imprisonment, a fine of \$250,000.00, or both. Smith is also charged with aiding and abetting the filing of a false tax return, which carries a maximum penalty of 3 years imprisonment, and a fine of \$100,000 or both. It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty. **(Disciplinary Rule 7-107(B)(6)).**

Assistant U.S. Attorney Gretchen L. Wylegala stated that the Indictment charges that the defendant, Kevin Smith, during the period of March 2002 and April 2002, filed 8 fraudulent tax returns, seeking refunds totalling over \$50,000. Those returns were filed in the names of people other than himself.

The Indictment was the culmination of an joint investigation on the part of the Internal Revenue Service, Criminal Investigation Division, under the direction of Anne Marie Coons, SAC, IRS-CID, and the Federal Bureau of Investigation, under the direction of Peter Ahearn, Special Agent in Charge.

The evidence was presented to the Grand Jury by Gretchen L. Wylegala, Assistant United States Attorney, who will handle the trial of the case.

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